

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CRAIG POTVIN,

Plaintiff,

v.

Case No. 13-13634

Honorable Denise Page Hood

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Charles E. Binder's Report and Recommendation on Plaintiff Craig Potvin's Motion for Summary Judgment [**Docket No. 8, filed January 27, 2014**] and Defendant Commissioner's Motion for Summary Judgment [**Docket No. 9, filed March 27, 2014**]. Plaintiff filed an Objection to the Magistrate's Report and Recommendation [**Docket No. 11, filed September 2, 2014**]. Defendant didn't object or respond to the objection. For the reasons stated below, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. Defendant Commissioner's Motion for Summary Judgment [**Docket No. 9, filed March 27, 2014**] is **GRANTED**.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion (*Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984)). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference (*Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987)). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility (*Garner*, 745 F.2d at 397). The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion (*Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that the ALJ's finding that Plaintiff retained the residual functional capacity to perform a limited range of light work is supported by substantial evidence. The Magistrate Judge reviewed the ALJ's findings and the record thoroughly in reaching his conclusion. The Court also agrees with the Magistrate Judge that the Commissioner could reasonably conclude that Plaintiff's

subjective complaints of persistent, severe, totally disabling symptoms stemming from depression and anxiety were not fully credible. The Magistrate Judge set forth specific examples of how the ALJ's findings were supported by the record. Plaintiff's objections have no merit and are address by the Magistrate Judge's Report and Recommendation

Accordingly,

**IT IS ORDERED** that the Report and Recommendation of Magistrate Judge Charles E. Binder [**Docket No. 10, filed August 19, 2014**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment [**Docket No. 8, filed January 27, 2014**] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Commissioner's Motion for Summary Judgment [**Docket No. 9, filed March 27, 2014**] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Commissioner's decision is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the case is **DISMISSED** with prejudice.

Dated: September 26, 2014

s/Denise Page Hood  
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Denise Page Hood  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 26, 2014, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager